MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3880 OF 2006
IN
FIRST APPEAL NO.2210 OF 2006

Solapur Municipal Corporation Appellant
versus
Ajay Nagnath Gund & others Respondents

Mr.V.B.Naik for appellant.
Mr.R.S.Alange for respondents 1 to 4.

CORAM : A.S.OKA, J.

DATE : 06th March 2007

PC :

1. Heard advocates for the parties. The entire amount due and payable under the impugned order has been deposited by the applicant with the learned Commissioner for Workmen’s compensation.

2. The respondent nos.1 to 4 who are the original claimants are entitled to withdraw the said amount on furnishing adequate security to the satisfaction of the learned Commissioner. Hence the application is disposed of by passing following order.

3. ORDER :-

a) The respondent will be entitled to withdraw the amount deposited by the applicant subject to furnishing adequate security for the said amount to the satisfaction of the learned Commissioner. The applicant will be heard before accepting the security;

b) If the amount deposited by the applicants is not withdrawn by the respondents/claimants within a period of six months from today by furnishing adequate security, the learned Commissioner will invest the said amount in the fixed deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till final disposal of First Appeal;

c) In the event of the amount being invested, the learned Commissioner will permit original claimants/applicants to withdraw 50% of the interest accrued on the fixed deposit. Withdrawal of the interest will naturally be subject to the final outcome of the appeal.

d) There will be no order as to costs.

(A.S.OKA, J.)